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# **Business Regulation Committee**

**Thursday, March 16, 2006  
1:00 PM - 4:00 PM  
REED HALL**

**ACTION PACKET**

# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

**Location:** Reed Hall (102 HOB)

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Frank Attkisson (Chair)	X		
Thad Altman	X		
Jennifer Carroll	X		
Charles Dean	X		
Susan Goldstein	X		
Kenneth Gottlieb	X		
Ron Greenstein	X		
Wilbert Holloway	X		
Dorothy Hukill	X		
Bruce Kyle	X		
John Legg	X		
Marcelo Llorente	X		
Carlos Lopez-Cantera	X		
Juan-Carlos Planas	X		
Ari Porth	X		
Ron Reagan			X
Timothy Ryan	X		
Baxter Troutman	X		
Juan Zapata	X		
<b>Totals:</b>	<b>18</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

**Location:** Reed Hall (102 HOB)

**HB 423 : Building Code Enforcement Officials**

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein				X	
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle	X				
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata				X	
Frank Attkisson (Chair)	X				
<b>Total Yeas: 16      Total Nays: 0</b>					

### Appearances:

Linda Renn (General Public) - Proponent  
Consumer  
2407 Winona Avenue  
Leesburg Florida  
Phone: 352-787-9590

Bob Lovell (General Public) - Proponent  
Mayor of Leesburg  
101 S. Lakeshore Drive  
Leesburg Florida 34748  
Phone: 352-874-4586

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No.423

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill:

Representative(s) Lopez-Cantera offered the following:

**Strike all amendment by Representative Lopez-Cantera (with title amendment)**

Remove all lines after the enacting clause and insert:

Section 1. Subsection (3) of section 468.385, Florida Statutes, is amended to read:

468.385 Licenses required; qualifications; examination.-

(3) No person shall be licensed as an auctioneer or apprentice if he or she:

(a) Is under 18 years of age; or

(b) Has committed any act or offense in this state or any other jurisdiction which would constitute a basis for disciplinary action under s. 468.389.

(c) Each applicant for licensure shall file a complete set of fingerprints for a criminal record check. Fingerprints shall be taken in a manner approved by the board and shall be submitted electronically to the Department of Law Enforcement for state processing. The Department of Law Enforcement shall

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

forward the fingerprints to the Federal Bureau of Investigation  
for national processing. The results of the criminal history  
record check shall be returned to the board for purposes of  
screening. The cost of processing fingerprints and conducting a  
criminal history record check shall be borne by the applicant  
for licensure.

Section 2. Subsections (9), (10), and (11) are added to  
section 468.603, Florida Statutes, to read:

468.603 Definitions.--As used in this part:

(9) "Willful" means the mental state in which a person  
commits an act knowing that, or showing reckless disregard for  
whether, the act is prohibited under this part or does not  
commit an act while knowing that, or showing reckless disregard  
for whether, the act is required under this part. A person knows  
that an act is prohibited or required if the person is aware of  
the provision of this part that prohibits or requires the act,  
understands the meaning of that provision, and performs the act  
that is prohibited or fails to perform the act that is required.  
"Willful" does not include specific intent to defraud.

(10) "Knowing" or "knowingly" means the mental state in  
which a person, with respect to information, has actual  
knowledge of the information, acts in deliberate ignorance of  
the truth or falsity of the information, or acts in reckless  
disregard of the information. "Knowing" or "knowingly" does not  
include specific intent to defraud.

(11) "Reckless disregard" means the mental state in which  
a person commits an act despite the act's being prohibited or  
required under this part and wholly disregards the law without  
making any reasonable effort to determine whether the act would

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

51 constitute a violation of this part. "Reckless disregard" does  
52 not include specific intent to defraud.

53 Section 3. Subsections (2) and (5) of section 468.609,  
54 F.S., are amended to read:

55 468.609 Administration of this part; standards for  
56 certification; additional categories of certification.--

57 (2) A person may take the examination for certification as  
58 a building code inspector or plans examiner pursuant to this  
59 part if the person:

60 (a) Is at least 18 years of age.

61 (b) Is of good moral character.

62 (c) Meets eligibility requirements according to one of the  
63 following criteria:

64 1. Demonstrates 5 years' combined experience in the field  
65 of construction or a related field, building code inspection, or  
66 plans review corresponding to the certification category sought;

67 2. Demonstrates a combination of postsecondary education  
68 in the field of construction or a related field and experience  
69 which totals 4 years, with at least 1 year of such total being  
70 experience in construction, building code inspection, or plans  
71 review;

72 3. Demonstrates a combination of technical education in  
73 the field of construction or a related field and experience  
74 which totals 4 years, with at least 1 year of such total being  
75 experience in construction, building code inspection, or plans  
76 review; ~~or~~

77 4. Currently holds a standard certificate as issued by the  
78 board and satisfactorily completes a building code inspector or  
79 plans examiner training program of not less than 200 hours in  
80 the certification category sought. The board shall establish by

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

rule criteria for the development and implementation of the training programs;—

5. Demonstrates a combination of technical education in the chosen category in the field of building codes inspection, or plan review, and experience which totals 2 years, with at least 1 year of such total being experience in the field of construction, building codes inspection, or plans review. The technical education portion of this requirement shall require proof of satisfactory completion of a technical education program of not less than 400 hours in the chosen category of building codes inspection or plans review in the certification category sought with not less than 20 hours of the education program covering ethics and professional standards. The board shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the technical education programs; or

6. Demonstrates the completion of an associate degree program or higher from an accredited institution in Construction Management with a major in Building Code Administration.

~~(d) After the Building Code Training Program is established under s. 553.841, demonstrates successful completion of the core curriculum approved by the Florida Building Commission, appropriate to the licensing category sought.~~

(5) (a) To obtain a standard certificate, an individual must pass an examination approved by the board which demonstrates that the applicant has fundamental knowledge of the state laws and codes relating to the construction of buildings for which the applicant has building code administration, plans examination, or building code inspection responsibilities. It is the intent of the Legislature that the examination approved for

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

certification pursuant to this part be substantially equivalent to the examinations administered by the International Code Council ~~Southern Building Code Congress International and the Council of American Building Officials.~~

(b) A standard certificate shall be issued to each applicant who successfully completes the examination, which certificate authorizes the individual named thereon to practice throughout the state as a building code administrator, plans examiner, or building code inspector within such class and level as is specified by the board.

(c) The board may accept proof that the applicant has passed an examination which is substantially equivalent to the board-approved examination set forth in this section.

Section 4. Subsection (4) of section 468.617, Florida Statutes, is created to read:

468.617 Joint building code inspection department; other arrangements.

(4) Nothing in this part shall prohibit any building code inspector, plans examiner, or building code administrator holding a limited certificate who is employed by a jurisdiction with a population of less than 75,000 to provide building code inspection, plans examining, or building code administration services to another jurisdiction with a population of less than 100,000 provided the parties enter into and carry out a contract to provide such services.

Section 5. Subsection (10) is added to section 468.619, Florida Statutes, to read:

468.619 Building code enforcement officials' bill of rights.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

140       (10) This bill of rights applies to disciplinary  
141 investigations and proceedings against licenses issued under  
142 this part and disciplinary investigations and proceedings  
143 relating to the official duties of an enforcement official. This  
144 bill of rights does not apply to disciplinary investigations and  
145 proceedings against other licenses that the enforcement official  
146 holds or disciplinary investigations and proceedings unrelated  
147 to the enforcement official's official duties.

148       Section 6. Subsection (1) of section 468.621, Florida  
149 Statutes, is amended to read:

150       468.621 Disciplinary proceedings.--

151       (1) The following acts constitute grounds for which the  
152 disciplinary actions in subsection (2) may be taken:

153       (a) Violating or failing to comply with any provision of  
154 this part, or a valid rule or lawful order of the board or  
155 department pursuant thereto.

156       (b) Obtaining certification through fraud, deceit, or  
157 perjury.

158       (c) Knowingly assisting any person practicing contrary to  
159 the provisions of:

160       1. This part; or

161       2. The building code adopted by the enforcement authority  
162 of that person.

163       (d) Having been convicted of a felony against this state  
164 or the United States, or of a felony in another state that would  
165 have been a felony had it been committed in this state.

166       (e) Having been convicted of a crime in any jurisdiction  
167 which directly relates to the practice of building code  
168 administration or inspection.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

169 (f) Making or filing a report or record that ~~which~~ the  
170 certificateholder knew ~~knows~~ to be false, or knowingly inducing  
171 another to file a false report or record, or knowingly failing  
172 to file a report or record required by state or local law, or  
173 knowingly impeding or obstructing such filing, or knowingly  
174 inducing another person to impede or obstruct such filing.

175 (g) Failing to properly enforce applicable building codes,  
176 licensing, or permit requirements that the certificateholder  
177 knew were applicable, or by committing willful misconduct, gross  
178 negligence, gross misconduct, repeated negligence, or negligence  
179 resulting in a significant danger to life or property,  
180 regardless of whether the violation occurs within the employment  
181 jurisdiction of the enforcement official or occurs in connection  
182 with the employment of the enforcement official or outside the  
183 scope of the employment of the enforcement official.

184 (h) Issuing a building permit to a contractor, or any  
185 person representing himself or herself as a contractor, without  
186 obtaining the contractor's certificate or registration number,  
187 where ~~such~~ a certificate or registration is required.

188 (i) Failing to lawfully execute the duties and  
189 responsibilities specified in this part and ss. 553.73, 553.781,  
190 553.79, and 553.791.

191 (j) Performing building code inspection services under s.  
192 553.791 without satisfying the insurance requirements of that  
193 section.

194 (k) Obstructing an investigation or providing or inducing  
195 another to provide forged documents, false forensic evidence, or  
196 false testimony to a local or state board or member thereof or  
197 to a licensing investigator.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

198        (1) Accepting labor, services, or materials for free or at  
199        a noncompetitive rate from any person who performs work that may  
200        be under the enforcement authority of the enforcement official  
201        who is not an immediate family member of the enforcement  
202        official. "Immediate family member" includes a spouse, child,  
203        parent, sibling, grandparent, aunt, uncle, or first cousin of  
204        the person or the person's spouse, or any person who resides in  
205        the home of the enforcement official.

206        Section 7. Subsections (5) and (6) of section 468.627,  
207        Florida Statutes, are amended to read:

208        468.627 Application; examination; renewal; fees.—

209        (5) The certificateholder shall provide proof, in a form  
210        established by board rule, that the certificateholder has  
211        completed at least 14 classroom hours of at least 50 minutes  
212        each of continuing education courses during each biennium since  
213        the issuance or renewal of the certificate, including the  
214        specialized or advanced coursework approved by the Florida  
215        Building Commission, as part of the Building Code Training  
216        Program established pursuant to s. 553.841, appropriate to the  
217        licensing category sought. A minimum of 2 of the required 14  
218        classroom hours shall be on ethics relating to professional  
219        standards of practice, duties, and responsibilities under the  
220        job scope of the certificateholder. The board shall by rule  
221        establish criteria for approval of continuing education courses  
222        and providers, and may by rule establish criteria for accepting  
223        alternative nonclassroom continuing education on an hour-for-  
224        hour basis.

225        (6) Each certificateholder shall provide to the board  
226        proof of completion of the core curriculum courses, ~~or passing~~  
227        ~~the equivalency test~~ of the Building Code Training Program

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

established by s. 552.841, within 2 years after commencement of the program. Continuing education hours spent taking such core curriculum courses shall count toward the number required for license renewal. ~~A licensee who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.~~

Section 8. Subsections (20), (21), and (22) are added to section 489.105, Florida Statutes, to read:

489.105 Definitions.--As used in this part:

(20) "Willful" means the mental state in which a person commits an act knowing that, or showing reckless disregard for whether, the act is prohibited under this part or does not commit an act while knowing that, or showing reckless disregard for whether, the act is required under this part. A person knows that an act is prohibited or required if the person is aware of the provision of this part that prohibits or requires the act, understands the meaning of that provision, and performs the act that is prohibited or fails to perform the act that is required.  
"Willful" does not include specific intent to defraud.

(21) "Knowing" or "knowingly" means the mental state in which a person, with respect to information, has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information, or acts in reckless disregard of the information. "Knowing" or "knowingly" does not include specific intent to defraud.

(22) "Reckless disregard" means the mental state in which a person commits an act despite the act's being prohibited or required under this part and wholly disregards the law without making any reasonable effort to determine whether the act would

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

257 constitute a violation of this part. "Reckless disregard" does  
258 not include specific intent to defraud.

259 Section 9. Subsection (6) of section 489.115, Florida  
260 Statutes, is amended and renumbered as subsection (7), present  
261 subsection (7) is renumbered as subsection (8), and a new  
262 subsection (6) is added to that section, to read:

263 489.115 Certification and registration; endorsement;  
264 reciprocity; renewals; continuing education.--

265 (6) An applicant for initial issuance of a certificate or  
266 registration shall submit to a criminal records check to  
267 determine moral character. If the applicant has been convicted  
268 of a felony, he or she shall provide documentation regarding the  
269 status of his or her civil rights. The board may deny licensure  
270 to an applicant who does not present proof of restoration of  
271 civil rights after conviction of a felony.

272 (7)(6) An initial applicant shall, along with the  
273 application, and a certificateholder or registrant shall, upon  
274 requesting a change of status, submit to the board a credit  
275 report from a nationally recognized credit agency that reflects  
276 the financial responsibility of the applicant or  
277 certificateholder or registrant. The credit report required for  
278 the initial applicant shall be considered the minimum evidence  
279 necessary to satisfy the board that he or she is financially  
280 responsible to be certified, has the necessary credit and  
281 business reputation to engage in contracting in the state, and  
282 has the minimum financial stability necessary to avoid the  
283 problem of financial mismanagement or misconduct. The board  
284 shall, by rule, adopt guidelines for determination of financial  
285 stability, which may include minimum requirements for net worth,  
286 cash, and bonding for Division I certificateholders no more than

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

287 | \$20,000 and for Division II certificateholders no more than  
288 | \$10,000. Fifty percent of the financial requirements may be met  
289 | by completing a 14-hour financial responsibility course approved  
290 | by the board.

291 | Section 10. Present paragraph (d) of subsection (4) of  
292 | section 489.127, Florida Statutes, is redesignated as paragraph  
293 | (e), and a new paragraph (d) is added to that subsection to  
294 | read:

295 | 489.127 Prohibitions; penalties.

296 | (4)

297 | (d) A certified or registered contractor or a contractor  
298 | authorized by a local construction licensing board may not  
299 | perform work for which he or she is not properly licensed,  
300 | subcontract to unlicensed persons to perform work that requires  
301 | a license, or fail to obtain required permits.

302 | Section 11. This act shall take effect July 1, 2006.

303 |

304 | ===== T I T L E A M E N D M E N T =====

305 | Remove the title and insert:

306 | A bill to be entitled

307 | An act relating to professional regulation by the Department of  
308 | Business and Professional Regulation; amending s. 468.385, F.S.;  
309 | providing for the submittal and processing of fingerprints for  
310 | background checks of applicants for licensure relating to  
311 | auctioneering; 468.603, F.S.; providing definitions; amending s.  
312 | 468.619, F.S.; providing for the application of the building  
313 | code enforcement officials' bill of rights to certain  
314 | disciplinary investigations and proceedings;  
315 | amending s. 468.609, F.S.; providing requirements for  
316 | certification as a trainee for the position of building code

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

317 | inspector or plans examiner; amending s. 468.617, F.S.;  
318 | authorizing certain limited certificateholders to provide  
319 | services to specified jurisdictions under contract; amending s.  
320 | 468.621, F.S.; providing that obstructing an investigation or  
321 | providing or inducing another to provide forged documents, false  
322 | forensic evidence, or false testimony to a local or state board  
323 | or member thereof or to a licensing investigator is grounds for  
324 | discipline; Amending s. 468.627, F.S.; providing for a minimum  
325 | of 2 classroom hours be on ethics relating to standards of  
326 | practice, duties, and responsibilities under the job scope of  
327 | the certificateholder; amending s. 489.115, F.S.; requiring  
328 | applicants for initial issuance of certificate or registration  
329 | to submit criminal records checks; requiring certain applicants  
330 | for certificate or registration to provide documentation  
331 | regarding the status of civil rights; authorizing the board to  
332 | deny certain applicants; specifying that guidelines for  
333 | determining financial stability may include minimum requirements  
334 | for net worth, cash, and bonding; authorizing a portion of  
335 | financial requirements to be met by completing specified  
336 | coursework; amending s. 489.127, F.S.; providing penalties when  
337 | a licensed contractor performs unlicensed activity, hires a  
338 | subcontractor to perform unlicensed activity, or fails to obtain  
339 | required permits; providing an effective date.

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COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation  
Representative(s) Lopez-Cantera offered the following:

**Amendment to Strike All Amendment ( ) by Representative  
Lopez-Cantera**

Insert on line 301 after the period:

(5) Each county or municipality may, at its option,  
designate one or more of its code enforcement officers, as  
defined in chapter 162, to enforce, as set out in this  
subsection, the provisions of subsection (1) and s. 489.132(1)  
against persons who engage in activity for which a county or  
municipal certificate of competency or license or state  
certification or registration is required.

(o) ~~Nothing in This subsection does not shall be construed~~  
~~to authorize local jurisdictions to exercise disciplinary~~  
~~authority, other than to issue civil citations, which are not~~  
~~considered discipline, or procedures established in this~~  
~~subsection~~ against an individual holding a proper valid  
certificate issued under ~~pursuant to~~ this part.



COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation  
Representative(s) Lopez-Cantera offered the following:

**Amendment to Strike All Amendment by Representative Lopez-  
Cantera (with directory and title amendments)**

Insert on line 339 after the period:

WHEREAS, the state licenses and regulates the construction  
industry for the benefit of its citizens, in order to protect  
their health, safety, and welfare; and

WHEREAS, it is critical to the health, safety, and welfare  
of the public that the laws enacted by the Legislature relating  
to construction permitting enforcement of the Florida Building  
Code and licensing of the industry be implemented and enforces;  
and

WHEREAS, it is critical that the public be able to place  
their trust in the public officials who are charged with  
enforcement of those laws and codes; and

WHEREAS, in order for enforcement officials, licensing  
investigators, local and state regulatory boards, and their  
supporting legal staff to perform licensing and disciplinary  
functions, they must have the enabling legislation and authority  
to do so; NOW THEREFORE,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. (for drafter's use only)

Bill No. HB 423

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation

Representative(s) Ryan offered the following:

**Amendment to Strike All Amendment by Representative Ryan**

Remove line(s) 131-135 and insert:

within a statutorily defined small county to provide building  
code inspection, plans review, or building code administration  
services to another jurisdiction within the above defined  
counties.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0423

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

W/D

Council/Committee hearing bill: Business Regulation Committee  
Representative(s) H. Gibson offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsections (9), (10), and (11) are added to  
section 468.603, Florida Statutes, to read:

468.603 Definitions.--As used in this part:

(9) "Willful" means the mental state in which a person  
commits an act knowing that, or showing reckless disregard for  
whether, the act is prohibited under this part or does not  
commit an act while knowing that, or showing reckless disregard  
for whether, the act is required under this part. A person knows  
that an act is prohibited or required if the person is aware of  
the provision of this part that prohibits or requires the act,  
understands the meaning of that provision, and performs the act  
that is prohibited or fails to perform the act that is required.  
"Willful" does not include specific intent to defraud.

(10) "Knowing" or "knowingly" means the mental state in  
which a person, with respect to information, has actual  
knowledge of the information, acts in deliberate ignorance of  
the truth or falsity of the information, or acts in reckless

redraft

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 disregard of the information. "Knowing" or "knowingly" does not  
24 include specific intent to defraud.

25 (11) "Reckless disregard" means the mental state in which  
26 a person commits an act despite the act's being prohibited or  
27 required under this part and wholly disregards the law without  
28 making any reasonable effort to determine whether the act would  
29 constitute a violation of this part. "Reckless disregard" does  
30 not include specific intent to defraud.

31 Section 2. Subsection (10) is added to section 468.619,  
32 Florida Statutes, to read:

33 468.619 Building code enforcement officials' bill of  
34 rights.--

35 (10) This bill of rights applies to disciplinary  
36 investigations and proceedings against licenses issued under  
37 this part and disciplinary investigations and proceedings  
38 relating to the official duties of an enforcement official. This  
39 bill of rights does not apply to disciplinary investigations and  
40 proceedings against other licenses that the enforcement official  
41 holds or disciplinary investigations and proceedings unrelated  
42 to the enforcement official's official duties.

43 Section 3. Subsection (1) of section 468.621, Florida  
44 Statutes, is amended to read:

45 468.621 Disciplinary proceedings.--

46 (1) The following acts constitute grounds for which the  
47 disciplinary actions in subsection (2) may be taken:

48 (a) Violating or failing to comply with any provision of  
49 this part, or a valid rule or lawful order of the board or  
50 department pursuant thereto.

51 (b) Obtaining certification through fraud, deceit, or  
52 perjury.

redraft

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 (c) Knowingly assisting any person practicing contrary to  
54 the provisions of:

- 55 1. This part; or  
56 2. The building code adopted by the enforcement authority  
57 of that person.

58 (d) Having been convicted of a felony against this state  
59 or the United States, or of a felony in another state that would  
60 have been a felony had it been committed in this state.

61 (e) Having been convicted of a crime in any jurisdiction  
62 which directly relates to the practice of building code  
63 administration or inspection.

64 (f) Making or filing a report or record that ~~which~~ the  
65 certificateholder knew ~~knows~~ to be false, or knowingly inducing  
66 another to file a false report or record, or knowingly failing  
67 to file a report or record required by state or local law, or  
68 knowingly impeding or obstructing such filing, or knowingly  
69 inducing another person to impede or obstruct such filing.

70 (g) Failing to properly enforce applicable building codes,  
71 licensing, or permit requirements that the certificateholder  
72 knew were applicable, or by committing willful misconduct, gross  
73 negligence, gross misconduct, repeated negligence, or negligence  
74 resulting in a significant danger to life or property,  
75 regardless of whether the violation occurs within the employment  
76 jurisdiction of the enforcement official or occurs in connection  
77 with the employment of the enforcement official or outside the  
78 scope of the employment of the enforcement official.

79 (h) Issuing a building permit to a contractor, or any  
80 person representing himself or herself as a contractor, without  
81 obtaining the contractor's certificate or registration number,  
82 where ~~such~~ a certificate or registration is required.

redraft

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(i) Failing to lawfully execute the duties and responsibilities specified in this part and ss. 553.73, 553.781, 553.79, and 553.791.

(j) Performing building code inspection services under s. 553.791 without satisfying the insurance requirements of that section.

(k) Obstructing an investigation or providing or inducing another to provide forged documents, false forensic evidence, or false testimony to a local or state board or member thereof or to a licensing investigator.

(l) Accepting labor, services, or materials for free or at a noncompetitive rate from any person who performs work that may be under the enforcement authority of the enforcement official who is not an immediate family member of the enforcement official. "Immediate family member" includes a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of the person or the person's spouse, or any person who resides in the home of the enforcement official.

Section 4. Subsections (20), (21), and (22) are added to section 489.105, Florida Statutes, to read:

489.105 Definitions.--As used in this part:

(20) "Willful" means the mental state in which a person commits an act knowing that, or showing reckless disregard for whether, the act is prohibited under this part or does not commit an act while knowing that, or showing reckless disregard for whether, the act is required under this part. A person knows that an act is prohibited or required if the person is aware of the provision of this part that prohibits or requires the act, understands the meaning of that provision, and performs the act that is prohibited or fails to perform the act that is required. "Willful" does not include specific intent to defraud.

redraft

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

114       (21) "Knowing" or "knowingly" means the mental state in  
115 which a person, with respect to information, has actual  
116 knowledge of the information, acts in deliberate ignorance of  
117 the truth or falsity of the information, or acts in reckless  
118 disregard of the information. "Knowing" or "knowingly" does not  
119 include specific intent to defraud.

120       (22) "Reckless disregard" means the mental state in which  
121 a person commits an act despite the act's being prohibited or  
122 required under this part and wholly disregards the law without  
123 making any reasonable effort to determine whether the act would  
124 constitute a violation of this part. "Reckless disregard" does  
125 not include specific intent to defraud.

126       Section 5. Subsection (6) of section 489.115, Florida  
127 Statutes, is amended and renumbered as subsection (7), present  
128 subsection (7) is renumbered as subsection (8), and a new  
129 subsection (6) is added to that section, to read:

130       489.115 Certification and registration; endorsement;  
131 reciprocity; renewals; continuing education.--

132       (6) An applicant for initial issuance of a certificate or  
133 registration shall submit to a criminal records check to  
134 determine moral character. If the applicant has been convicted  
135 of a felony, he or she shall provide documentation regarding the  
136 status of his or her civil rights. The board may deny licensure  
137 to an applicant who does not present proof of restoration of  
138 civil rights after conviction of a felony.

139       (7)~~(6)~~ An initial applicant shall, along with the  
140 application, and a certificateholder or registrant shall, upon  
141 requesting a change of status, submit to the board a credit  
142 report from a nationally recognized credit agency that reflects  
143 the financial responsibility of the applicant or  
144 certificateholder or registrant. The credit report required for  
redraft

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

the initial applicant shall be considered the minimum evidence necessary to satisfy the board that he or she is financially responsible to be certified, has the necessary credit and business reputation to engage in contracting in the state, and has the minimum financial stability necessary to avoid the problem of financial mismanagement or misconduct. The board shall, by rule, adopt guidelines for determination of financial stability, which may include minimum requirements for net worth, cash, and bonding for Division I certificateholders no more than \$20,000 and for Division II certificateholders no more than \$10,000. Fifty percent of the financial requirements may be met by completing a 14-hour financial responsibility course approved by the board.

Section 6. Present paragraph (d) of subsection (4) of section 489.127, Florida Statutes, is redesignated as paragraph (e), a new paragraph (d) is added to that subsection, and paragraph (o) of subsection (5) of that section is amended, to read:

489.127 Prohibitions; penalties.--

(4)

(d) A certified or registered contractor or a contractor authorized by a local construction licensing board may not perform work for which he or she is not properly licensed, subcontract to unlicensed persons to perform work that requires a license, or fail to obtain required permits.

(5) Each county or municipality may, at its option, designate one or more of its code enforcement officers, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of subsection (1) and s. 489.132(1) against persons who engage in activity for which a county or

redraft



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

175 municipal certificate of competency or license or state  
176 certification or registration is required.

177 (c) ~~Nothing in This subsection does not shall be construed~~  
178 ~~to~~ authorize local jurisdictions to exercise disciplinary  
179 authority, other than to issue civil citations, which are not  
180 considered discipline, or procedures established in this  
181 ~~subsection~~ against an individual holding a proper valid  
182 certificate issued under ~~pursuant to~~ this part.

183 Section 7. This act shall take effect July 1, 2006.  
184  
185

186 ===== T I T L E A M E N D M E N T =====

187 Remove the entire title and insert:

188 A bill to be entitled

189 An act relating to building code enforcement; amending s.  
190 468.603, F.S.; providing definitions; amending s. 468.619,  
191 F.S.; providing for the application of the building code  
192 enforcement officials' bill of rights to certain  
193 disciplinary investigations and proceedings; amending s.  
194 468.621, F.S.; providing for disciplinary proceedings for  
195 violations involving failure to follow building code,  
196 licensing, or permit requirements, obstructing an  
197 investigation, and accepting services at a noncompetitive  
198 rate from any person whose work may be under the  
199 enforcement authority of the official, under certain  
200 circumstances; amending s. 489.105, F.S.; providing  
201 definitions; amending s. 489.115, F.S.; requiring  
202 applicants for initial issuance of certificate or  
203 registration to submit criminal records checks; requiring  
204 certain applicants for certificate or registration to  
205 provide documentation regarding the status of civil

redraft

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

rights; authorizing the board to deny certain applicants; specifying that guidelines for determining financial stability may include minimum requirements for net worth, cash, and bonding; authorizing a portion of financial requirements to be met by completing specified coursework; amending s. 489.127, F.S.; providing penalties when a licensed contractor performs unlicensed activity, hires a subcontractor to perform unlicensed activity, or fails to obtain required permits; providing that local jurisdictions may issue civil citations; providing an effective date.

WHEREAS, the state licenses and regulates the construction industry for the benefit of its citizens, in order to protect their health, safety, and welfare; and

WHEREAS, it is critical to the health, safety, and welfare of the public that the laws enacted by the Legislature relating to construction permitting enforcement of the Florida Building Code and licensing of the industry be implemented and enforced; and

WHEREAS, it is critical that the public be able to place their trust in the public officials who are charged with enforcement of those laws and codes; and

WHEREAS, in order for enforcement officials, licensing investigators, local and state regulatory boards, and their supporting legal staff to perform licensing and disciplinary functions, they must have the enabling legislation and authority to do so; NOW, THEREFORE,

redraft

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No.423

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

W/O

Council/Committee hearing bill:

Representative(s) Attkisson offered the following:

**Substitute strike all amendment (with title amendment) to  
the strike all amendment by Representative Gibson**

Remove all lines after the enacting clause and insert:

Section 1. Subsection (3) of section 468.385, Florida  
Statutes, is amended to read:

468.385 Licenses required; qualifications; examination.—

(3) No person shall be licensed as an auctioneer or  
apprentice if he or she:

(a) Is under 18 years of age; or

(b) Has committed any act or offense in this state or any  
other jurisdiction which would constitute a basis for  
disciplinary action under s. 468.389.

(c) Each applicant for licensure shall file a complete set  
of fingerprints for a criminal record check. Fingerprints shall  
be taken in a manner approved by the board and shall be  
submitted electronically to the Department of Law Enforcement  
for state processing. The Department of Law Enforcement shall

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

forward the fingerprints to the Federal Bureau of Investigation for national processing. The results of the criminal history record check shall be returned to the board for purposes of screening. The cost of processing fingerprints and conducting a criminal history record check shall be borne by the applicant for licensure.

Section 2. Subsections (2) and (5) of section 468.609, F.S., are amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.--

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(a) Is at least 18 years of age.

(b) Is of good moral character.

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review; or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 4. Currently holds a standard certificate as issued by the  
53 board and satisfactorily completes a building code inspector or  
54 plans examiner training program of not less than 200 hours in  
55 the certification category sought. The board shall establish by  
56 rule criteria for the development and implementation of the  
57 training programs;:-

58 5. Demonstrates a combination of technical education in the  
59 chosen category in the field of building codes inspection, or  
60 plan review, and experience which totals 2 years, with at least  
61 1 year of such total being experience in the field of  
62 construction, building codes inspection, or plans review. The  
63 technical education portion of this requirement shall require  
64 proof of satisfactory completion of a technical education  
65 program of not less than 400 hours in the chosen category of  
66 building codes inspection or plans review in the certification  
67 category sought with not less than 20 hours of the education  
68 program covering ethics and professional standards. The board  
69 shall coordinate with the Building Officials Association of  
70 Florida, Inc., to establish by rule the development and  
71 implementation of the technical education programs; or

72 6. Demonstrates the completion of an associate degree  
73 program or higher from an accredited institution in Construction  
74 Management with a major in Building Code Administration.

75 ~~(d) After the Building Code Training Program is~~  
76 ~~established under s. 553.841, demonstrates successful completion~~  
77 ~~of the core curriculum approved by the Florida Building~~  
78 ~~Commission, appropriate to the licensing category sought.~~

79 (5) (a) To obtain a standard certificate, an individual must  
80 pass an examination approved by the board which demonstrates  
81 that the applicant has fundamental knowledge of the state laws

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82 and codes relating to the construction of buildings for which  
83 the applicant has building code administration, plans  
84 examination, or building code inspection responsibilities. It is  
85 the intent of the Legislature that the examination approved for  
86 certification pursuant to this part be substantially equivalent  
87 to the examinations administered by the International Code  
88 Council ~~Southern Building Code Congress International and the~~  
89 ~~Council of American Building Officials.~~

90 (b) A standard certificate shall be issued to each  
91 applicant who successfully completes the examination, which  
92 certificate authorizes the individual named thereon to practice  
93 throughout the state as a building code administrator, plans  
94 examiner, or building code inspector within such class and level  
95 as is specified by the board.

96 (c) The board may accept proof that the applicant has  
97 passed an examination which is substantially equivalent to the  
98 board-approved examination set forth in this section.

99 Section 3. Subsection (4) of section 468.617, Florida  
100 Statutes, is created to read:

101 468.617 Joint building code inspection department; other  
102 arrangements.

103 (4) Nothing in this part shall prohibit any building code  
104 inspector, plans examiner, or building code administrator  
105 holding a limited certificate who is employed by a jurisdiction  
106 with a population of less than 75,000 to provide building code  
107 inspection, plans examining, or building code administration  
108 services to another jurisdiction with a population of less than  
109 100,000 provided the parties enter into and carry out a contract  
110 to provide such services.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

111 Section 4. A new paragraph (k) is added to subsection (1)  
112 of section 468.621, Florida Statutes, to read:

113 468.621 Disciplinary proceedings.--

114 (1) The following acts constitute grounds for which the  
115 disciplinary actions in subsection (2) may be taken:

116 (k) Obstructing an investigation or providing or inducing  
117 another to provide forged documents, false forensic evidence, or  
118 false testimony to a local or state board or member thereof or  
119 to a licensing investigator.

120 Section 5. Subsections (5) and (6) of section 468.627,  
121 Florida Statutes, are amended to read:

122 468.627 Application; examination; renewal; fees.--

123 (5) The certificateholder shall provide proof, in a form  
124 established by board rule, that the certificateholder has  
125 completed at least 14 classroom hours of at least 50 minutes  
126 each of continuing education courses during each biennium since  
127 the issuance or renewal of the certificate, including the  
128 specialized or advanced coursework approved by the Florida  
129 Building Commission, as part of the Building Code Training  
130 Program established pursuant to s. 553.841, appropriate to the  
131 licensing category sought. A minimum of 2 of the required 14  
132 classroom hours shall be on ethics relating to professional  
133 standards of practice, duties, and responsibilities under the  
134 job scope of the certificateholder. The board shall by rule  
135 establish criteria for approval of continuing education courses  
136 and providers, and may by rule establish criteria for accepting  
137 alternative nonclassroom continuing education on an hour-for-  
138 hour basis.

139 (6) Each certificateholder shall provide to the board  
140 proof of completion of the core curriculum courses, ~~or passing~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

~~the equivalency test of the Building Code Training Program established by s. 552.841, within 2 years after commencement of the program. Continuing education hours spent taking such core curriculum courses shall count toward the number required for license renewal. A licensee who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.~~

Section 6. Present paragraph (d) of subsection (4) of section 489.127, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection to read:

489.127 Prohibitions; penalties.

(4)

(d) A certified or registered contractor or a contractor authorized by a local construction licensing board may not perform work for which he or she is not properly licensed, subcontract to unlicensed persons to perform work that requires a license, or fail to obtain required permits.

Section 7. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove line(s) 2-30 and insert:

An act relating to professional regulation by the Department of Business and Professional Regulation; amending s. 468.385, F.S.; providing for the submittal and processing of fingerprints for background checks of applicants for licensure relating to auctioneering; amending s. 468.609, F.S.; providing requirements for certification as a trainee for the position of building code inspector or plans examiner; amending s. 468.617, F.S.; authorizing certain limited certificateholders to provide

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

171 services to specified jurisdictions under contract; amending s.  
172 468.621, F.S.; providing that obstructing an investigation or  
173 providing or inducing another to provide forged documents, false  
174 forensic evidence, or false testimony to a local or state board  
175 or member thereof or to a licensing investigator is grounds for  
176 discipline; Amending s. 468.627, F.S.; providing for a minimum  
177 of 2 classroom hours be on ethics relating to standards of  
178 practice, duties, and responsibilities under the job scope of  
179 the certificateholder; amending s. 489.127, F.S.; providing  
180 penalties when a licensed contractor performs unlicensed  
181 activity, hires a subcontractor to perform unlicensed activity,  
182 or fails to obtain required permits; providing an effective  
183 date.

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# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

Location: Reed Hall (102 HOB)

HB 587 CS : Health Care Practitioners

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 17      Total Nays: 0					

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 587

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

N/C

Council/Committee hearing bill: Business Regulation

Representative(s) Galvano offered the following:

**Amendment**

On line(s) 132 before the period insert:  
or in a program operated by the state or through contract under  
chapter 394

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# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

**Location:** Reed Hall (102 HOB)

**HB 641 CS : Animal Service Providers**

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg			X		
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata				X	
Frank Attkisson (Chair)	X				
Total Yeas: 15		Total Nays: 0			

### Appearances:

Ken Plante (Lobbyist) - Information Only

FUMA

324 E. Virginia Street

Tallahassee Florida 32301

Phone: 224-9100

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0641

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation Committee  
Representative(s) Russell offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:  
Section 1. Subsection (5) of section 474.203, Florida  
Statutes, is amended to read:

474.203 Exemptions.--This chapter shall not apply to:  
(5)(a) Any person, or the person's regular employee,  
administering to the ills or injuries of her or his own animals,  
including, but not limited to, castration, spaying, and  
dehorning of herd animals, unless title has been transferred or  
employment provided for the purpose of circumventing this law.  
This exemption shall not apply to out-of-state veterinarians  
practicing temporarily in the state. However, only a  
veterinarian may immunize or treat an animal for diseases which  
are communicable to humans and which are of public health  
significance.

(b) A person hired on a part-time or temporary basis, or  
as an independent contractor, by an owner of an animal or a herd  
or flock of animals to assist with herd management, wellness,  
and animal-husbandry tasks for herd and flock animals, including

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

castration, dehorning, parasite control, and debeaking, or to  
provide manual hand floating of teeth or ferriery of equines.

For the purposes of chapters 465 and 893, persons exempt  
pursuant to subsection (1), subsection (2), or subsection (4)  
are deemed to be duly licensed practitioners authorized by the  
laws of this state to prescribe drugs or medicinal supplies.

Section 2. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to animal service providers; amending s.  
474.203, F.S.; providing that ch. 474, F.S., relating to  
veterinary medical practice, does not apply to a part-time  
worker or an independent contractor who is hired by the  
owner of an animal or a herd or flock of animals to  
provide certain services concerning such animal, herd, or  
flock; providing an effective date.

# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

Location: Reed Hall (102 HOB)

HB 667 CS : Credit Counseling Services

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

Location: Reed Hall (102 HOB)

HB 673 CS : Residential Tenancies

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata				X	
Frank Attkisson (Chair)	X				
Total Yeas: 16      Total Nays: 0					

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0673

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation Committee  
Representative Stargel offered the following:

**Amendment (with title amendment)**

Between lines 17 and 18 insert:

Section 1. Subsection (7) of section 83.43, Florida  
Statutes, is amended to read:

83.43 Definitions.--As used in this part, the following  
words and terms shall have the following meanings unless some  
other meaning is plainly indicated:

(7) "Rental agreement" means any written agreement,  
including amendments or addenda, or oral agreement if for less  
duration than 1 year, providing for use and occupancy of  
premises.

===== T I T L E A M E N D M E N T =====

Remove line 7 and insert:

83.43, F.S.; revising a definition; amending s. 83.595, F.S.;  
allowing a landlord to terminate a rental

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0673

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation Committee  
Representative Stargel offered the following:

**Amendment**

Remove line 56 and insert:  
concessions" means any amount contained in the rental agreement  
by which all or a portion of the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0673

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation Committee  
Representative Stargel offered the following:

**Amendment**

Remove line 57 and insert:  
base rent or options is reduced, or any service or thing of  
value is given, in consideration for the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0673

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation Committee  
Representative Stargel offered the following:

**Amendment (with title amendment)**

Between lines 17 and 18 insert:

Section 1. Subsection (17) is added to section 83.43,  
Florida Statutes, to read:

83.43 Definitions.--As used in this part, the following  
words and terms shall have the following meanings unless some  
other meaning is plainly indicated:

(17) "Early termination fee" means any charge, fee, or  
forfeiture, contained in a written rental agreement, which is  
assessed to a tenant when a tenant vacates a dwelling unit  
before the end of the rental agreement. An early termination fee  
does not include:

(a) Charges for services actually rendered to the tenant.

(b) Unpaid rent through the end of the month in which the  
tenant occupied the dwelling unit.

(c) Charges for damages to the dwelling unit.

===== T I T L E A M E N D M E N T =====

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22        Remove line 7 and insert:  
23        83.43, F.S.; providing a definition; amending s. 83.595, F.S.;  
24        allowing a landlord to terminate a rental  
25

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# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

**Location:** Reed Hall (102 HOB)

**HB 771 : Cosmetology**

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
<b>Total Yeas: 17      Total Nays: 0</b>					

### Appearances:

Dan Washburn (General Public) - Proponent

Springline Corp  
17138 Picketts Cove Road  
Orlando Florida 32820  
Phone: 407-365-9568

Susan Lehr (General Public) - Proponent

Vice President, Gov't Relations  
501 West State Street  
Jacksonville Florida 32301  
Phone: 904-632-3391

John Conley (General Public) - Proponent

The Hairwraps Company  
P.O. Box 1123  
Windermere Florida 34786  
Phone: 407-297-9256

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

# **COMMITTEE MEETING REPORT**

## **Business Regulation Committee**

**3/16/2006 1:00:00PM**

**Location:** Reed Hall (102 HOB)

Myra Jowers (General Public) - Proponent

Professor of Cosmetology

501 West State Street

Jacksonville Florida

Phone: 904-766-6735

John McBride (Lobbyist) (State Employee) - Information Only

DBPR

1940 North Monroe

Tallahassee Florida 32399

Phone: 487-4827

Robyn Barineau (State Employee) - Information Only

DBPR

1940 North Monroe

Tallahassee Florida 32399

**Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM**

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 771

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation  
Representative(s) Carroll offered the following:

**Amendment**

On line 89-91, insert:

1. Cleansing, exfoliating, stimulating, a person's skin by  
hand or by using a mechanical device, apparatus, or appliance  
with the use of any cosmetic preparation, antiseptic, lotion,  
powder, oil, clay, cream or appliance.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. HB 771

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation  
Representative(s) Carroll offered the following:

**Amendment**

Remove line(s) 117-118 and insert:

2. Cleansing, treating, beautifying, a person's forearms,  
hands, legs below the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. HB 771

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation  
Representative(s) Carroll offered the following:

**Amendment**

Remove line(s) 410-414 and insert:  
qualifications required of applicants from this state. For  
purposes

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No. HB 771

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

1 Council/Committee hearing bill: Business Regulation  
2 Representative(s) Carroll offered the following:  
3

4 **Amendment**

5 Remove line(s) 455-456 and insert:  
6 ~~and a fee not to exceed \$50 for the renewal of an inactive~~  
7 ~~license. The Board shall prescribe by rule the~~  
8  
9

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# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

Location: Reed Hall (102 HOB)

HB 793 : City of Orlando, Orange County

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein				X	
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg			X		
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata				X	
Frank Attkisson (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

**Location:** Reed Hall (102 HOB)

**HB 841 CS : Supersedeas Bond**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle		X			
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth		X			
Ron Reagan			X		
Timothy Ryan		X			
Baxter Troutman			X		
Juan Zapata				X	
Frank Attkisson (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 3</b>			

### Appearances:

George Meros (Lobbyist) - Proponent

Wellcare Health Plans  
301 South Bronough Street  
Tallahassee Florida 32301  
Phone: 850-977-9090

James Harold Thompson (Lobbyist) - Proponent

CSX Transportation  
227 Calhoun Street  
Tallahassee Florida 32301  
Phone: 224-9115

Lincoln Connoily - Opponent

AFTL  
4 W. Flagler Street  
Miami Florida 33130  
Phone: 305-373-0708

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **0841**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Business Regulation Committee  
Representative Ryan offered the following:

**Amendment**

Remove lines 27-31 and insert:

(2) If an appellant is:

(a) An individual, the supersedeas bond, at the election of the appellant, may not exceed 10 percent of the appellant's net assets or \$1 million in the aggregate.

(b) An independently owned and operated business, the supersedeas bond, at the election of the appellant, may not exceed 10 percent of the appellant's annual revenue or \$1 million in the aggregate.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **0841**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

W/O

Council/Committee hearing bill: Business Regulation Committee  
Representative Ryan offered the following:

**Amendment**

Remove lines 32-40 and insert:

(3) Notwithstanding subsections (1) and (2), if an  
appellee proves by a preponderance of the evidence that an  
appellant who has posted a supersedeas bond is dissipating or  
diverting assets for the purpose of avoiding payment of the  
judgment, a court may enter orders necessary to protect the  
appellee, including discovery on dissipation of the assets, and  
may require the appellant to post a supersedeas bond in an  
amount up to and including the total amount of the judgment.

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# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

**Location:** Reed Hall (102 HOB)

**HB 867 : Impact Of Slot Machine Gaming**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean		X			
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway		X			
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth		X			
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
<b>Total Yeas: 14      Total Nays: 3</b>					

### Appearances:

Linda Cox (Lobbyist) - Proponent  
City of Ft. Lauderdale  
125 South Gadsden  
Tallahassee Florida 32301  
Phone: 508-0099

Frank Hileman (Lobbyist) - Opponent  
City of Hallendale Beach  
3111 Stirling Road  
Ft. Lauderdale Florida 33312  
Phone: 954-985-4171

Aaron Scavron (Lobbyist) - Opponent  
City of Dania Beach  
2030 W. McNab Road  
Ft. Lauderdale Florida 33309  
Phone: 954-760-7277

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM



# **COMMITTEE MEETING REPORT**

## **Business Regulation Committee**

**3/16/2006 1:00:00PM**

**Location:** Reed Hall (102 HOB)

David Sigerson (Lobbyist) - Proponent

Town of Penbroke Park

2410 Van Buren Street

Hollywood Florida 33020

Phone: 954-336-3544

Jack Skelding (Lobbyist) - Opponent

Pompano Harness Track

P.O. Box 669

Tallahassee Florida 32302

Phone: 222-5912

**Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM**

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Gottlieb - strike all

Bill No. HB 867

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

ADOPTED

1 Council/Committee hearing bill: Business Regulation

2 Representative(s) Gottlieb offered the following:

3  
4 **Amendment (with title amendment)**

5 On line(s) 13 remove everything after the enacting clause,  
6 and insert:

7 Section 1. Section 551.1062, Florida Statutes, is created  
8 to read:

9 551.1062 Mitigation of impact; fee; mediation.-

10 (1) An annual fee not to exceed \$1,000 established by the  
11 division, is imposed upon each slot machine approved for use at  
12 any eligible facility that is within one mile of any neighboring  
13 municipality. As used in this section, the term "neighboring  
14 municipality" means a municipality that does not have an  
15 eligible facility but is within one mile of an eligible facility  
16 and will have public works and traffic impacts, public safety,  
17 police, and fire and rescue impacts that are demonstrated by  
18 significant increased aid calls to affected municipalities that  
19 are not currently funded. Revenue from the fees imposed by this  
20 section must be used by the neighboring municipality to fund the  
21 adverse public health, safety, and welfare and public works and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Gottlieb - strike all

22 traffic impacts that will be caused by the implementation of s.  
23 23, Art. X of the State Constitution and that will occur as a  
24 direct result of slot machine operations.

25 (2) The fee must be remitted to the division by February 1  
26 of each year based on the number of slot machines approved for  
27 operation by the division as of January 1 of that year. The fee  
28 shall be deposited into the Pari-mutuel Wagering Trust Fund and  
29 shall be accounted for separately from taxes or fees paid  
30 pursuant to the provisions of chapter 550 and chapter 551 and  
31 shall not be subject to the provisions of s. 550.135(2). These  
32 revenues shall be distributed on a pro rata basis by the  
33 division to any neighboring municipality that has provided  
34 evidence to the division of significant local impacts from slot  
35 machine operations during the prior year.

36 (3) (a) The division may contract with public or private  
37 entities to mediate disputes between the eligible facility or  
38 facilities and the neighboring municipality or municipalities of  
39 local impacts from slot machine operations. Eligible facilities  
40 are only responsible for impacts occurring within their  
41 neighboring municipality as defined in subsection (1). Mediation  
42 shall be conducted informally and does not require the use of  
43 formal rules of evidence or procedure. The division shall choose  
44 a mediator from a list provided by an independent conflict  
45 resolution organization, such as the Conflict Resolution  
46 Consortium. Mediators may have no financial interest in or prior  
47 relationship with any of the parties or their affiliated or  
48 related entities or principles.

49 (b) At the conclusion of mediation proceedings, which shall  
50 be within 60 days of the selection of a mediator, the mediator  
51 shall present to the parties and the division a recommendation

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Gottlieb - strike all

52 concerning the distribution of revenue to a municipality for  
53 local impacts from slot machine operations that the mediator  
54 believes accurately addresses the rights and obligations of the  
55 parties. The division shall implement the recommendations of the  
56 mediator and make disbursements to the municipality based on the  
57 mediator's recommendation within thirty days. The provisions of  
58 this subsection do not preclude the right of either party to  
59 appeal the division's actions to an appropriate court of  
60 jurisdiction. Each party shall pay its respective costs of  
61 mediation and shall pay one-half of the costs of the mediator,  
62 unless the parties otherwise agree.

63 (4) The division shall adopt rules pursuant to ss.  
64 120.536(1) and 120.54 to administer the provisions of this  
65 section.

66 Section 2. This act shall take effect July 1, 2006

67  
68  
69  
70 **[This amendment creates a procedure for mediation of**  
71 **disputes of local impact; segregates fees within PMW**  
72 **TF and exempts fees from year-end sweep of PMW TF**  
73 **revenue; authorizes rulemaking; breaks into**  
74 **subsections and makes other technical drafting**  
75 **changes.]**  
76  
77  
78  
79

80 ===== T I T L E A M E N D M E N T =====

81 Remove line(s) 10 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment by Gottlieb - strike all

82 | to neighboring municipalities; providing for mediation of  
83 | disputes; providing for adoption of rules; providing an  
84 | effective

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. clarification of 1 mile boundary

Bill No. HB 867

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation  
Representative(s) Gottlieb offered the following:

**Amendment to Gottlieb Strike-all Amendment**

Remove line(s) 12 and insert:

any eligible facility whose boundaries are no more than one mile  
from any neighboring

**[Amendment clarifies that the one mile should be measured from  
any boundary of the facility.]**

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment by Zapata - 2.5 mile limit

Bill No. 867

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation  
Representative(s) Zapata offered the following:

**Amendment to Strike-all Amendment by Representative  
Gottlieb (with title amendments)**

Remove line(s) 19 and insert:  
are not currently funded. "Neighboring municipality" also means  
a municipality that does not have an eligible facility but is  
within 2.5 miles of any boundary of any two eligible facilities  
and will have public works and traffic impacts, public safety,  
police, and fire and rescue impacts that are demonstrated by  
significant increased aid calls to affected municipalities that  
are not currently funded. Revenue from the fees imposed by this

**[This amendment also captures any municipality that is within  
2.5 miles of any two facilities.]**

===== T I T L E A M E N D M E N T =====

Remove line(s) 78 and insert:  
to neighboring municipalities; providing for mediation of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment by Reagan - rebates

Bill No. 867

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation  
Representative(s) Reagan offered the following:

**Amendment to Strike-all Amendment by Representative  
Gottlieb (with title amendments)**

Between line(s) 58 and 59 insert:

(4) At the end of each fiscal year any revenue remaining in  
the trust fund from deposits made three years previous pursuant  
to subsection (1) shall be returned to the eligible facility if  
disbursements to a neighboring municipality of those funds have  
not been approved by the division.

**[This amendment requires rebates of unexpended funds  
after 3 years.]**

===== T I T L E A M E N D M E N T =====

Remove line(s) 79 and insert:  
disputes; providing for rebates to an eligible facility of  
unexpended funds; providing for adoption of rules; providing an



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment by Zapata - 2 mile limit

Bill No. HB 867

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

W/O

Council/Committee hearing bill: Business Regulation  
Representative(s) Zapata offered the following:

**Amendment to Gottlieb Strike-all Amendment (with title amendments)**

Remove line(s) 19 and insert:  
are not currently funded. "Neighboring municipality" also means  
a municipality that does not have an eligible facility but is  
within two miles of any boundary of any two eligible facilities  
and will have public works and traffic impacts, public safety,  
police, and fire and rescue impacts that are demonstrated by  
significant increased aid calls to affected municipalities that  
are not currently funded. Revenue from the fees imposed by this

**[This amendment adds any municipality that is within two miles of any two facilities.]**

===== T I T L E A M E N D M E N T =====

Remove line(s) 78 and insert:  
to neighboring municipalities; providing for mediation of

# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

Location: Reed Hall (102 HOB)

HB 1009 : Real Estate Profession Regulation

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 17      Total Nays: 0					

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

**Location:** Reed Hall (102 HOB)

**HB 1135 : Practice of Architecture**

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle	X				
John Legg			X		
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan			X		
Timothy Ryan	X				
Baxter Troutman			X		
Juan Zapata				X	
Frank Attkisson (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1135**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

Council/Committee hearing bill: Business Regulation

Representative(s) Goldstein offered the following:

**Substitute Amendment by Representative Goldstein for Strike  
All Amendment by Representative Hukill (with title amendment)**

Remove everything after the enactment clause and insert:

Section 1. Subsection (16) of section 481.203, Florida  
Statutes, is created to read:

481.203. Definitions.- As used in this part:

(16) "Responsible supervising control" means the exercise  
of direct personal supervision and control throughout the  
preparation of documents, instruments or service or any other  
work requiring the seal and signature of a licensee hereunder.  
Review of documents, instruments or service or any other work  
requiring the seal and signature of a licensee after such work  
has been performed by a person not licensed hereunder working  
outside of the licensee's office shall not be deemed responsible  
supervising control.

Section 2. Paragraphs (a) and (b) of subsection (1) of  
section 481.223, Florida Statutes, are amended to read:

481.223. Prohibitions; penalties; injunctive relief.-

(1) A person may not knowingly:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(a) Practice architecture unless the person is an architect or a registered architect; however, an architect who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architecture services.

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein; however, an interior designer who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Interior Designer, Retired" but may not otherwise render any interior design services.

Section 3. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove line(s) and insert:

An act relating to the practice of architecture and interior design; amending s.481.203,F.S.; defining "responsible supervising control"; amending s.481.223,F.S.; authorizing certain architects to use the title "Architect, Retired" and authorizing certain interior designers to use the title "Interior Designer, Retired"; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 1135

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

W/O

Council/Committee hearing bill: Business Regulation

Representative(s) Hukill offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (16) is added to section 481.203, Florida Statutes, to read:

481.203 Definitions.--As used in this part:

(16) "Responsible supervising control" means the exercise of direct personal supervision and control throughout the preparation of documents, instruments, or service or any other work requiring the seal and signature of a person licensed under this part. Review of documents, instruments of service, or other work requiring the seal and signature of a registered architect after such work has been performed by a person who is not a registered architect working outside of the registered architect's office shall not be deemed responsible supervising control.

Section 2. Paragraph (a) of subsection (1) of section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; injunctive relief.--

(1) A person may not knowingly:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(a) Practice architecture unless the person is an architect or a registered architect; however, an architect who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services;

Section 3. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to the practice of architecture; amending s. 481.203, F.S.; defining "responsible supervising control"; amending s. 481.223, F.S.; authorizing certain architects to use the title "Architect, Retired"; providing an effective date.

# COMMITTEE MEETING REPORT

## Business Regulation Committee

3/16/2006 1:00:00PM

**Location:** Reed Hall (102 HOB)

### Summary:

#### Business Regulation Committee

*Thursday March 16, 2006 01:00 pm*

HB 423	Favorable With Committee Substitute	Yeas: 16	Nays: 0
HB 587 CS	Favorable	Yeas: 17	Nays: 0
HB 641 CS	Favorable With Committee Substitute	Yeas: 15	Nays: 0
HB 667 CS	Favorable	Yeas: 17	Nays: 0
HB 673 CS	Favorable With Committee Substitute	Yeas: 16	Nays: 0
HB 771	Favorable With Committee Substitute	Yeas: 17	Nays: 0
HB 793	Favorable	Yeas: 14	Nays: 0
HB 841 CS	Favorable	Yeas: 13	Nays: 3
HB 867	Favorable With Committee Substitute	Yeas: 14	Nays: 3
HB 1009	Favorable	Yeas: 17	Nays: 0
HB 1135	Favorable With Committee Substitute	Yeas: 15	Nays: 0

Committee meeting was reported out: Thursday, March 16, 2006 7:05:50PM